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| WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103 | | | | |
| | | | EXAMINER EBIRIM, EMEKA | |
| | | | ART UNIT 2166 | PAPER NUMBER |

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,714

Applicant(s)

MIHAI ET AL.

Examiner

Emeka Ebirim

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/28/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Status

1. The application has been examined. Claims 1-17 are rejected as detailed below and are pending in this office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 9-11, 12-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9-11 are not limited to tangible embodiments. In view of Applicants disclosure, specification [page 5 paragraph 0023], the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., DVD, magnetic cassettes, [page 5 paragraph 0023]) and intangible embodiments (e.g., carrier wave, signal, [page 5 paragraph 0023]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

4. A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts. **MPEP 2106 IV.B.2.(b)**

Claim 12-17 is not limited to tangible embodiments. These system claims appear to constitute solely software per se without any practical application. There appears to be no useful result recited that reflects the practical utility. These claims do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Double Patenting

Claim 13 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 12. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by
"ObjectGlobe: Ubiquitous query processing on the Internet" to R. Braumandl
(hereinafter Braumandl).

Claim 1.

Braumandl discloses:

A method for providing search functionality across at least two search providers,
said method comprising [two data provider, See Braumandl, Fig 2 section 2.2,
paragraph 1,3]:

registering a first search method for performing searches on a first of said at least
two search providers [See Braumandl, Fig 3,4 section 2.2];

registering a second search method for performing searches on a second of said
at least two search providers [See Braumandl, Fig 3,4 section 2.2];

detecting a request for a search on a selected search provider from among said
first search provider and said second search provider, said selected search provider
corresponding to a corresponding search method from among said first search method
and said second search method [search request, See Braumandl, Fig 3,4 section 2.2,
3.1.3 paragraph 1];

providing a ubiquitous search method for performing said search utilizing said
corresponding search method [See Braumandl, Fig 2 section 2.2, paragraph 1,3]; and

responding to a call to said ubiquitous search method by performing said search utilizing said corresponding search method [plan executed, See Braumandl, Fig 2 section 2.2, paragraph 1,3, page 52 paragraph 3].

Claim 2.

Braumandl discloses the elements of claim 1 as above and furthermore it discloses:

registering a first response format for receiving search results from said first search provider [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 2 page 51];

registering a second response format for receiving search results from said second search provider [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 2 page 51]; and

where said step of responding to a call to said ubiquitous search method comprises:

receiving a search result a response format corresponding to said selected search provider [data provider; specify; restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 1 and 2 page 51]; and

providing said first and said second search results [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 1 and 2 page 51].

Claim 3.

Braumandl discloses the elements of claim 1 as above and furthermore it discloses where said method comprises:

reading search provider data regarding said first search provider and said second search provider from a configuration file [configurable policy, See Braumandl, section 4.4 paragraph 1].

Claim 4.

Braumandl discloses the elements of claim 3 as above and furthermore it discloses where said method is implemented in conjunction with a web server, and where said configuration file is a web.config file [configurable policy, which is stored in the PolicyFile, See Braumandl, section 4.4 paragraph 1].

Claim 5.

Braumandl discloses:

A method for providing search functionality across at least two search providers, said method comprising [two data provider, See Braumandl, Fig 2 section 2.2, paragraph 1,3]:

registering a first search method for performing searches on a first of said at least two search providers [See Braumandl, Fig 3,4 section 2.2];

registering a second search method for performing searches on a second of said at least two search providers [See Braumandl, Fig 3,4 section 2.2];

detecting a request for a search on said first search provider and said second search provider [search request, See Braumandl, Fig 3,4 section 2.2, 3.1.3 paragraph 1];

providing a ubiquitous search method for performing said search utilizing said first search method and said second search method [See Braumandl, Fig 2 section 2.2, paragraph 1,3]; and

responding to a call to said ubiquitous search method by performing said search utilizing said first search method and said second search method [plan executed, See Braumandl, Fig 2 section 2.2, paragraph 1,3, page 52 paragraph 3].

Claim 6.

Braumandl discloses the elements of claim 5 as above and furthermore it discloses

registering a first response format for receiving search results from said first search provider [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 2 page 51];

registering a second response format for receiving search results from said second search provider [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 2 page 51]; and

where said step of responding to a call to said ubiquitous search method comprises:

receiving a first search result in said first response format from said first search provider [data provider; specify; restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 1 and 2 page 51];

receiving a second search result in said second response format from said second search provider; and

providing said first and said second search results [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 1 and 2 page 51].

Claim 7.

Braumandl discloses the elements of claim 6 as above and furthermore it discloses where said step of providing said first and said second search results comprises [search results, See Braumandl 3.1.2 paragraph 3]:

returning said first and said second search results in a unified format [query uses a user defined nearest neighbor operator (this returns a unified result after execution) See Braumandl section 2.2 paragraph 3].

Claim 8.

Braumandl discloses the elements of claim 7 as above and furthermore it discloses where said step of detecting a request for a search on said first search provider and said second search provider comprises receiving response format data, and where said step of providing said first and said second search results comprises:

returning said first and said second search results according to said response format data [first computing the ten nearest neighbor at every data provider and then combining these results, See Braumandl section 2.2 paragraph 3].

Claim 9.

Claim 9 is essentially the same as claim 1 except that it recites "Computer-readable medium". As such it is reject it is rejected for the same reason (hereinabove).

Claim 10.

Claim 9 is essentially the same as claim 5 except that it recites "Computer-readable medium". As such it is reject it is rejected for the same reason (hereinabove).

Claim 11.

Braumandl discloses:

A computer-readable medium for providing a search on a database by a first search provider compatible with provision of search functionality across at least a second search provider, said computer-readable medium comprising computer executable modules having computer executable instructions, said instructions comprising instructions for [See Braumandl, pages 70-71]:

providing a search method for searching said database [search, database, See Braumandl section 2.2 paragraph 3];

providing a search provider registration method for registering said search method [Providers are registered, See Braumandl section 3.1 paragraph 1];

responding to a call to said search provider registration with information regarding said search method [provider, registered, See Braumandl section 3.1 paragraph 1] ;

responding to a call to said search method by searching said database [search, database, See Braumandl section 2.2 paragraph 3, Fig 1].

Claim 12.

Braumandl discloses:

A system for providing search functionality across at least two search providers, said system comprising:

registration module for registering a first search method for performing searches on a first of said at least two search providers and for registering a second search method for performing searches on a second of said at least two search providers [provider, registered, See Braumandl section 3.1, paragraph 1 Fig 3,4 section 2.2, page 41 paragraph 2];

search request detection module for detecting a request for a search on said first search provider and said second search provider [See Braumandl section, Fig 1, Section 2.1 paragraph 1] ;

ubiquitous search method provision module for providing a ubiquitous search method for performing said search utilizing said first search method and said second search method [See Braumandl section, Fig 1, section 2.2]; and

ubiquitous search method response module for responding to a call to said ubiquitous search method by performing said search utilizing said first search method and said second search method [See Braumandl section, Fig 1, section 2.2].

Claim 13.

Claim 13 is essentially the same as claim 12. It is rejected for the same reason (hereinabove).

Claim 14.

Braumandl discloses the elements of claim 13 as above and furthermore it discloses where said registration module further registers a first response format for receiving search results from said first search provider and registers a second response format for receiving search results from said second search provider [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 2 page 51, section 2.2 paragraph 3]; and

where ubiquitous search method response module receives a first search result in said first response format from said first search provider [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 2 page 51, section 2.2 paragraph 3]; receives a second search result in said second response format from said

second search provider; and provides said first and said second search results [specify, restrict the size of the result set returned, See Braumandl, Section 2.3 paragraph 2 page 51, section 2.2 paragraph 3.]

Claim 15.

Braumandl discloses the elements of claim 14 as above and furthermore it discloses where said first and said second search results are provided in a unified format [See Braumandl, section 2.2 paragraph 3].

Claim 16.

Braumandl discloses the elements of claim 15 as above and furthermore it discloses where said search request detection module receives response format data, and where said first and said second search results are provided according to said response format data [See Braumandl, section 2.2 paragraph 3].

Claim 17.

Braumandl discloses:

A system for providing a search on a database by a first search provider associated with a database compatible with provision of search functionality across at least a second search provider, comprising [See Braumandl, section 2.2]:

a search method provision module for providing a search method for searching said database [See Braumandl, section 2.2];

a search provider registration module for providing a search provider registration method for registering said search method [See Braumandl, page 49 paragraph 1,2];

search provider registration method module for responding to a call to said search provider registration with information regarding said search method [See Braumandl, page 49 paragraph 1,2];

search method module for responding to a call to said search method by searching said database [See Braumandl, page 49 section 2 paragraph 1].

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Name: Emeka Ebirim
Art Unit: 2166

KHANH B. PHAM
PRIMARY EXAMINER

